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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,566	08/24/2004	Katsumi Matsuno	450100-04859	2437

7590 09/26/2007  
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New York, NY 10151

EXAMINER
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CHOWDHURY, NIGAR

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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09/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/505,566	<b>Applicant(s)</b> MATSUNO ET AL.	
	<b>Examiner</b> Nigar Chowdhury	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/24/2004</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Drawings***

Figures 1-7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1-4, 6-7 are rejected under 35 U.S.C. 102(a) as being admitted shown in fig. 1-7 as described in pages 1-11 of specification.

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2. Regarding **claim 1**, an optical disc recording apparatus to record unit data generated by division based on a specified reproduction unit according to a specified format on an optical disc, comprising: (fig. 4, 5)

- unit data group formation means for forming a unit data group comprising at least one piece of unit data (fig. 1, page 3 lines 10-21);
- thumbnail image generation means for generating a thumbnail image for the unit data (fig. 4, page 8 lines 7-21);
- link information generation means for generating unit data link information to link with each unit data forming the unit data group (fig. 4, page 8 lines 7-21);
- data group generation means for generating a data group comprising a unit data group formed by the unit data group formation means and unit data link information generated by the link information generation means (fig. 4, page 8 lines 7-21);
- closed session processing means for performing a closed session process so that other reproducing apparatuses can read an optical disc recording at least one data group, (page 6 lines 2-8)
  - wherein the closed session processing means generates a menu image including the thumbnail image based on the unit data, generates menu image link information for linking with the menu image, and records the menu image and the menu image link

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information on the optical disc (page 6 lines 2-8, fig. 4-7, page 8 lines 7-page 11 lines 12).

3. Regarding **claim 2**, the optical disc recording apparatus

- wherein the format is a DVD-video format (fig.1, page 2 lines 7-8);
- the unit data group formation means uses a chapter (CHP) as unit data (fig. 1, page 3 lines 18-page 4 lines 1) and forms VTSTT\_VOBS as a unit data group comprising at least one piece of unit data (fig. 1, page 3 lines 14-page 4 lines 1);
- the link information generation means generates unit data link information included in VTSM\_PGCI for linking with each chapter forming the VTSTT\_VOBS (fig. 6, page 9 lines 12-21);
- data group generation means generates VTS as a data group comprising VTSTT\_VOBS formed by the unit data group formation means and unit data link information generated by the link information generation means (fig. 6, page 9 lines 12-page 10 lines 7).

4. Regarding **claim 3**, the optical disc recording apparatus wherein the closed session processing means generates a menu image including at least one thumbnail image (page 6 lines 2-8, fig. 4, page 8 lines 7-page 9 lines 11).

5. Regarding **claim 4**, the optical disc recording apparatus comprising storage means for storing a thumbnail image generated by the thumbnail image generation

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means, wherein the closed session processing means, when generating a menu image, uses a thumbnail image stored in the storage means (fig. 1, page 2 lines 7-8, page 6 lines 2-8, fig. 4, page 8 lines 7-page 9 lines 11)

6. Regarding **claim 6**, the optical disc recording apparatus the closed session processing means performs a closed session process so that other reproducing apparatuses can read an optical disc such as DVD-R or DVD-RW recording at least one data group (page 1 lines 16-page 2 lines 6)

7. **Claim 7** is rejected for the same reason as discussed in the corresponding claim 1 above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over shown in fig. 1-7 as described in pages 1-11 of specification.

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9. Regarding **claim 5**, specification discloses the optical disc recording apparatus wherein the storage means is DVD (fig. 1) but fails to disclose the optical disc recording apparatus wherein the storage means is flash memory.

It is noted that the use of flash memory is old and well-known in the recording art. Therefore, official notice is taken. Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a well-known flash memory which is easy to carry because of their size and also flash memory is fast read access time for user convenience.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nigar Chowdhury whose telephone number is 571-272-8890. The examiner can normally be reached on 9 AM - 5 PM.

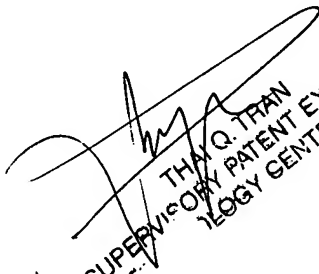
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC

09/22/2007



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